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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,090	02/17/2004	Gunnar Quincke	2858	6323
7590 12/15/2005			EXAMINER	
STRIKER, STRIKER & STENBY 103 East Neck Road			KOVACS, ARPAD F	
Huntington, NY 11743			ART UNIT	PAPER NUMBER
•			3671	
			DATE MAILED: 12/15/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

1) ⊠ Responsive to communication(s) filed on 27 October 2005.  2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☒ Claim(s) 1-25 is/are pending in the application. 4a) Of the above claim(s) 20-25 is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed.  6) ☒ Claim(s) 1-19 is/are rejected.  7) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.		Application No.	Applicant(s)				
Appde fieblain Kovács  371  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  HIND period for reply is peofied above, the maintimus statutory period will apply and vegeries XIK (9) MONTHS from the imaging date of this communication.  If NO period for reply is peofied above, the maintimus statutory period will apply and vegeries XIK (9) MONTHS from the pricing date of this communication.  If NO period for reply is peofied above, the maintimus statutory period will apply and vegeries XIK (9) MONTHS from the prailing date of this communication.  If NO period for reply is peofied above, the maintimus statutory period will apply and vegeries XIK (9) MONTHS from the prailing date of this communication.  If NO period for reply is peofied above, the maintimus statutory period will apply and vegeries XIK (9) MONTHS from the maintim date of this communication.  If NO period for reply is peofied above, the maintimus statutory period is application to secone ABANCORD SU SLS 2 133 vegeries and period term adjustment. See 37 CFR 1.74(9) we seemed patent term adjustment. See 37 CFR 1.74(9) we seemed patent term adjustment. See 37 CFR 1.74(1) we seemed patent term adjustment.  1		10/781,090	QUINCKE ET AL.				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extractions of three may be available under the provisions of 37 °CFR 1.30(a), In or event, however, may a risk plant timely filed and the provisions of 37 °CFR 1.30(a). The replication is provided to the provision of 37 °CFR 1.30(a). The replication to become ARANDONED (38 U.S. C. § 133). The provision of the maining date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 57 °CFR 1.704(b). This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-25 is/are pending in the application.  4a) Of the above claim(s) 20-25 is/are withdrawn from consideration.  5) □ Claim(s) 1-19 is/are rejected.  7) □ Claim(s) 1-19 is/are rejected.  7) □ Claim(s) 1-19 is/are rejected.  7) □ Claim(s) 1-19 is/are rejected to by the Examiner.  4) □ Claim(s) 1-19 is/are rejected to by the Examiner.  10) □ The specification is objected to by the Examiner.  4) □ The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 °CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 °CFR 1.3121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No. □ 1. □ Certified copies of the priority documents have been received		Árpád Fábián Kovács	3671				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time many be arrivable under the provisions of 37 CFR 1.18(i). In no event, however, may any by be timely lifted.  If NO period for reply in appellined above, the maximum statutory painted will apply and will expire SIX (8) MONTHS from the maining date of this communication.  Fallute to reply which the set of extended period for reply will by statute, cause the application to become ABANDONE (30 U.S.C. § 133). Any reply received by the office bear than the maximum statutory painted will apply and will expire SIX (8) MONTHS from the maining date of this communication.  Fallute to reply which the set of extended period for reply will by statute, cause the application (20 U.S.C.) and the communication, even if timely lifted, may reduce any variety received by the Cliffor Bin and the communication, even if timely lifted, may reduce any eventure painters.  Status  1) Responsive to communication (s) filed on 27 October 2005.  22b) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-25 is/are pending in the application.  4a) Of the above claim(s) 20-25 is/are withdrawn from consideration.  5) Claim(s) - is/are allowed.  6) Claim(s) - is/are allowed.  6) Claim(s) - is/are allowed.  6) Claim(s) - is/are allowed.  7) Claim(s) - is/are allowed.  8) Claim(s) - is/are allowed.  8) Claim(s) - is/are allowed.  8) Claim(s) - is/are allowed.  10) The drawing(s) flied on is/are: a) accepted or b) objected to by the Examiner.  10) The drawing(s) flied on is/are: a) accepted or b) objected to		ears on the cover sheet with the c	orrespondence address				
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Application/Control Number: 10/781,090

Art Unit: 3671

## DETAILED ACTION

## Election/Restrictions

1. Applicant's election of claims 1·19 in the reply filed on 10/27/2005 is acknowledged. Because applicant did not distinctly and specifically state that the election is made with traverse, the election has been treated as an election without traverse.

In re applicant's remarks that features recited in claims 1 & 13 are generic to all the other claims, it is incorrect. Although, the applicant did not specify how each independent non-elected Group (II & II) contains every element of Group I.

However, the Examiner would like to point out that in claim 1, the following recitation is made and not present in claim 20:

"transporting means; deviating from the transporting means ...
compacting device is a separate device located outside the transporting
means ... deviated crop probe ... compacting device located outside the
transporting means."

While in claim 20, the following recitation is made and not present in claim 1:

"opening a probe chamber of the compacting device in a traveling direction of
the agricultural harvester which is opposite to the transporting direction of
the crop."

The restriction requirement is made FINAL.

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# Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1·19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al (3270279, cited by Applicant), in view of Dyck (3890830).

Jackson teaches diverting a crop probe (deviated crop probe) into a compression chamber, located outside a transporting/conduit means, and measuring/sensing the crop probe (col. 1, ln 60-73; enclosure/cylinder/chamber 8; tube/pipe 45-47, 41-42; piston 11).

Jackson discloses the claimed device except for measuring the compression of the crop probe.

Dyck discloses that it is known in the art to provide for the compacting device a compression/pressure sensor to obtain the moisture content of the crop (piston 50; compression/pressure sensor 12; pressure gauge 124 & needle showing compression at different compression stages).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the compression chamber of Jackson with the compression/pressure sensor of Dyck, in order to take advantage of improvements

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developed in measuring crop moisture by using compression/pressure measuring means for obtaining greater accuracy.

As applied to claim(s) 1·12, in view of the structure disclosed/taught by Jackson as modified by Dyck, the method of operating/using the device would have been obvious since it is the normal and logical manner in which the device is used.

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# Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but 4. are most in view of the new ground(s) of rejection.

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#### Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Domaica, Satake, Schroeder et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Árpád Fábián Kovács Primary Examiner Art Unit 3671